

January 5, 2023

Notice of Change/Withdrawal

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:

33-601.715 Visiting Application Initiation Process
33-601.717 Visiting Denial
33-601.732 Reinstatement of Suspended Visiting Privileges

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 48, No. 200, October 13, 2022, issue of the Florida Administrative Register.

The following changes were precipitated by comments received from JAPC and the public following publication of the Notice of Proposed Rule and public comments received during the public hearing held November 9, 2022.

33-601.715 Visitation Application Initiation Process.

Form DC6-111B is being amended to update language in section 2.2 as follows: Halter tops or other braless attire, underwear-type tee shirts, tank tops, fish net clothing, or any clothes made with see-through fabric or skin-tight will not be worn by ~~males or females~~ any person.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 1-10-12, 12-21-14, _____.

33-601.717 Visitation Denial.

(1) through (4) No change.

(5) An applicant will be denied permission to visit based on the following criteria:

(a) through (c) No change.

(d) ~~With the exception of a special visit approved pursuant to Rule 33-601.736, F.A.C.,~~ A non-family member applicant previously incarcerated in any jurisdiction for a felony conviction will not be eligible for visitation privileges. may be allowed visitation privileges only if the warden determines that the rehabilitative value of visitation outweighs the potential threat to security and any potential negative influence on the inmate. Factors to be considered in making this determination include the adjustment record of the applicant while incarcerated, the relationship of the applicant to the inmate during incarceration, the relationship of the applicant to the inmate prior to and after incarceration, the likelihood that the applicant can assist the inmate in successfully reentering society, and the length of time after release that the applicant has resided in the community without involvement in the criminal justice system. Visitor approval under this paragraph will be subject to the time constraints set forth in sub-subsections (5)(c)1., 2., and 3. of this rule.

(e) No change.

(f) The applicant is a former Department volunteer whose conduct as a volunteer violated any Department rule or compromised in any manner the safety, security, or orderly operation of an institution with a volunteer history that jeopardizes the safety, security, good order, or effective management of an institution.

(g) through (o) No change.

(6) through (8) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, 33-601.707, Amended 5-27-02, 9-29-03, 6-15-06, 1-7-07, 8-6-12, _____.

33-601.732 Reinstatement of Suspended Visitation Privileges.

(1) General Provisions.

(a) through (b) No Change.

(c) An inmate must use Form DC6-236, Inmate Request Form, to submit their request for reinstatement to the suspending authority who issued the suspension pursuant to Rule 33-601.731, F.A.C. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. ~~Rule 33-103.055, F.A.C.~~

January 5, 2023

(d) through (f) No change.

(2) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 2-13-12, 9-24-12, 8-7-17, _____.